

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF PENNSYLVANIA**

BEY DILEMANI,

Plaintiff,

VS.

BUCA, INC.,

Defendant.

File No. 02-CV-2614

**AFFIDAVIT OF DANIEL C. GERHAN
IN SUPPORT OF DEFENDANT
BUCA, INC.'S MOTION FOR
SUMMARY JUDGMENT**

STATE OF MINNESOTA)

) SS.

COUNTY OF HENNEPIN)

DANIEL C. GERHAN, being duly sworn and under oath states that:

1. I am one of the attorneys representing Defendant BUCA, Inc. in this action.

I submit this affidavit in support of Defendant BUCA, Inc.'s Motion for Summary Judgment.

2. Attached as Exhibit A are the following relevant excerpts from the deposition of Bey Dilemani:

Cover page, 9-11, 30-35, 51-54, 65, 69-71, 76-85, 88-90, 94-96, and 117.

3. Attached as Exhibit B are the following relevant exhibits from the deposition of Bey Dilemani:

Exh. 1, Exh. 2, Exh. 3, and Exh. 4.

4. Attached as Exhibit C are the following relevant excerpts from the deposition of James M. Cowler:

Cover page, 3, 121-23, 148-50, 156-62, 164, 166-71, 178, 187-90, 205-15, 227, 242, 248, 253, 268-69, and 274-76.

5. Attached as Exhibit D are the following relevant excerpts from the deposition of Lori A. Van Holmes:

Cover page, 32, 36-37, 39-42, 50-60, 68-70, 76-77, 82-94, 105, 110-15, 122-34, and 140-49.

6. Attached as Exhibit E are the following relevant exhibits from the deposition of Lori A. Van Holmes:

Exh. 14, Exh. 15, and Exh. 16.

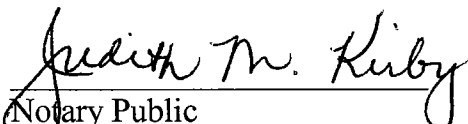
7. Attached as Exhibit F is Defendant's answer to Plaintiff's Interrogatory No. 9 from Defendant's Objections and Answers to Dilemani's First Set of Interrogatories.

8. Attached as Exhibit G is a copy of the unpublished decision Sadler v. Marriott Int'l, Inc., No. CIV. A. 98-762, 1999 WL 357381 (E.D. Pa. June 3, 1999).

This completes my affidavit, which consists of two typewritten pages and the attached Exhibits A through G.


DANIEL C. GERHAN

Subscribed and sworn to before me this 3rd day of February, 2003.


Notary Public
MI-58180.01



CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2003, I electronically filed the foregoing with the Clerk of Court using the ECF system. This document is available for viewing and downloading from the ECF system.

Additionally, a copy of the foregoing was mailed to the attorney named below at the address shown below by UPS Next Day Air from Minneapolis, MN on February 3, 2002:

**Mr. Scott B. Goldberg
Michael J. Salmanson, P.C.
1515 Locust Street, 10th Floor
Philadelphia, PA 19102**

/s/ Daniel C. Gerhan
Daniel C. Gerhan